

EXHIBIT 8

Utah State appeals to keep Torrey Green sex assault investigation records private



Ruling appeal • School asserts redactions would not adequately protect students' identities.



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By Mariah Noble The Salt Lake Tribune

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Utah State University is going to court and asking a judge to prevent the release of some documents created during an investigation of sexual assault allegations against former football player Torrey Green.

The school originally denied a records request filed in early September by Salt Lake Tribune reporter Alex Stuckey, but was ordered last month by the State Records Committee to [release some documents](#).

The committee ruled some documents should be public and others it deemed could be public with redactions. Some documents should remain private, the committee determined.

In its appeal filed in 3rd District Court in Salt Lake City, USU disagreed with the committee's assessment that redactions could adequately protect the identities of students "because of the publicity this matter has received." USU notes that "numerous" Tribune stories have identified Green and his alleged victims and says that disclosure of the records "would be an unwarranted invasion of privacy."

USU also argues that all the documents in question were created as attorney work product and should be protected as attorney-client communications.

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The school's president and board of trustees "sought legal advice from their general counsel regarding USU's compliance with regulations related to sexual misconduct," the appeal says. In order to provide legal advice, attorney Mica McKinney investigated what information the university received about allegations against Green "and whether the university had appropriately handled any such information."

The attorney created and collected documents during the investigation including notes from interviews, state and federal requirements for schools in matters of sexual assault and recommendations regarding policy that USU "could and should improve," the appeal says.

There was "a reasonable probability that at least one of the students was considering suing USU," the appeal says, and McKinney wouldn't have created her work file of interview notes, documents and records if school representatives hadn't requested her legal advice.

The university asks that the court determine the records are protected and reverse the State Records Committee's decision and order.

"It's unfortunate that Utah State continues to block access to these records when the State Records Committee has sided with The Tribune," said the newspaper's editor-in-chief Jennifer Napier-Pearce in a written statement.

"We're evaluating our options."

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